

Kansas Sexual Assault Kit Initiative
VICTIM NOTIFICATION PROTOCOL FOR
DELAYED CODIS-HIT CASES WITH SUSPECT IDENTIFICATION
July 2018

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The Kansas Sexual Assault Kit Initiative was created when the Kansas Bureau of Investigation convened a state-level multidisciplinary working group in 2014 to examine the issue of unsubmitted sexual assault kits¹ in Kansas; identify the underlying factors contributing to the accumulation of this evidence; evaluate the financial, legal, and systematic barriers regarding sexual assault kit testing; and develop evidence-based best practice and model policy recommendations to prevent future accumulation of untested sexual assault kits.

This protocol was developed after a review of the research informed findings from the Houston Sexual Assault Kit Action Research Working Group and the Detroit Sexual Assault Kit Action Research Project. Each of these projects was funded by a National Institute of Justice research grant. Their published protocols and recommendations on victim notification procedures were used as the foundation of the protocol developed by the Kansas Sexual Assault Kit Initiative.

I. Purpose

- A. This protocol was created by the state-level Kansas Sexual Assault Kit Initiative (SAKI) multidisciplinary working group to:
 - 1. Identify potential results from testing previously unsubmitted Sexual Assault Kits (SAKs);
 - 2. Define the guiding principles for victim² notification; establish the framework for the local site Victim Notification Review Team;
 - 3. Guide the process of notifying victims in a trauma-informed way; and
 - 4. Identify state-level resources available to supplement the local site team in this endeavor.
- B. This protocol is recommended for use in all delayed CODIS-hit cases where a suspect in a sexual assault investigation is identified as a result of forensically analyzing of previously unsubmitted SAKs. These protocols can also serve as guiding principles in other cases requiring victim notification.

¹ Unsubmitted sexual assault kits are those that were collected at a medical facility as part of a reported sexual assault to law enforcement, but were never been submitted to a forensic laboratory for testing.

² The term "victim" is used throughout this document since that is term most commonly used by the criminal justice system. However, some people may prefer the term "survivor" as opposed to "victim." When talking to victims, it is important to follow their lead and use terminology they prefer.

- C. The core guiding principles for victim notification in delayed CODIS-hit cases with suspect identification are that contacts with the victim should be trauma-informed.

II. Definitions

- A. CODIS: The Combined DNA Index System of federal, state, and local databases that contain DNA profiles from both known offenders and crime scenes.
- B. Trauma-Informed: Tending to victim's emotional safety, as well as their physical safety; strengthening victim's capacity to recover from the traumatic effects of abuse and violence by providing information, resources, services, and support; and educating victims, service providers, and the general community about the impact of trauma on victims' health and well-being.³
- C. Victim Advocate: This term may apply to a wide range of service providers, rape crisis counselors, social workers, and victim witness providers within a prosecutor's office, including civilian law enforcement victim assistances. Confidentiality and privilege will vary depending on the primary function of the advocate and should, therefore, always be understood by each member of the sexual assault response team and communicated with the victim.

Community-based advocate: Provides the victim with a variety of free and confidential advocacy services often needed by a victim to process their experience effectively. Community-based advocates' federal confidentiality requirements prohibit them from sharing victim information with anyone, including the prosecutor, law enforcement, and other criminal justice professionals.

System-based advocate: Primarily works with the victim during the pendency of the case to avoid further traumatization due to the criminal justice process. System-based advocates provide information on the criminal justice process and victim rights; assist with strategies regarding safety; and identify victim's needs in order to refer them to appropriate resources and services. System-based advocates' confidentiality requirements allow them to collaborate and share information with the prosecutor, law enforcement, and other criminal justice professionals

III. Victim Notification Considerations

Victim notification, or the process of re-contacting the victim, will usually occur in delayed CODIS-hit cases where the suspect is identified. In some instances, victim notification may be necessary to help inform the decision by law enforcement and/or prosecution as to whether charges will be authorized in a particular case (e.g. additional information may be needed from the victim to inform the prosecutor's decision with regard to whether or not the case can be charged).

In instances where the case has resulted in conviction or adjudication, victim notification should be considered on a case-by-case basis.

³ Campbell, R., et al. (2015). Detroit Sexual Assault Kit (SAK) Action Research Project (ARP), Final Report, page 245.

A. Victim Notification Review Team

1. The purpose of the Victim Notification Review Team is to consider the unique circumstances of each victim and decide whether victim notification is appropriate. The team will consider things like the safety of the victim and current status of the identified suspect. They will work together to ensure that victim notifications in delayed CODIS-hit cases with suspect identification are conducted in a trauma-informed manner.
2. It is important that the Victim Notification Review Team be a multidisciplinary team. Each team member brings unique perspectives in interacting with victims. The importance of the team collaborating in making case-by-case decisions cannot be over emphasized.⁴ As such, the composition should include representatives from the local law enforcement agency; the respective county or district attorney's office; at least one system-based advocate and/or victim witness coordinator; and at least one representative from the local community-based advocacy program.
3. The Victim Notification Review Team makes recommendations about how victim notification will occur in a particular case so that, to the greatest extent possible, potential re-traumatization or harm to the victim that may result from the notification is reduced. It also serves to ensure the victim is connected with appropriate advocacy resources, which have been shown to increase the likelihood of victim participation and benefit case outcomes.⁵

B. Ensuring the Victim's Safety

1. Ensuring victim safety is a principal goal within the victim notification process. Depending on how or where victim notification takes place, the physical safety of victims may be put at risk as a result of notification. As such, the Victim Notification Review Team's approach must take into account a victim's current life circumstances.⁶
2. It is important for the Victim Notification Review Team to be aware that some victims may currently be in an abusive relationship and are at risk for serious, repeated, or lethal assault after notification.⁷
3. In circumstances where it is determined that notification may have a high risk of danger or lethality for the victim, the Victim Notification Review Team may consider whether notification is necessary or appropriate in that case.
 - a. In these instances, consultation with the subject matter experts on the state-level team is strongly encouraged, particularly if local resources are not already established to address these circumstances.

⁴ See Appendix A: *Sample Ground Rules for Victim Notification Review Teams* for an example of considerations to assist local teams in the collaboration process.

⁵ Lonsway, K. (2008). *Effective Victim Advocacy in the Criminal Justice System: A Training Course for Victim Advocates. End Violence Against Women International*, 8-9.

⁶ For example, if the victim is living with the suspect, steps should be taken to avoid any breaches of confidentiality or risk of retribution from the suspect or the suspect's family and acquaintances

⁷ See Appendix B: *Checklist for SAKI Notification Review* for safety considerations when determining victim notification.

C. State-Level Team Partnership

1. The state-level team is a multidisciplinary support system comprised of representatives from the state-level multidisciplinary SAKI working group.⁸ This group includes subject matter experts from various backgrounds and experience to provide a unique and valuable perspective representative of their community.
2. The state-level team will provide local Victim Notification Review Teams with information, training and resources on trauma-informed victim notification and the Kansas SAKI Victim Notification Protocol for Delayed CODIS-Hit Cases with Suspect Identification.
3. Each local site's Victim Notification Review Team may choose the level of involvement and assistance needed from the state-level team to ensure successful victim notification. The levels of involvement include:
 - a. The state-level team does not actively participate in the victim notification but provides support to the local site team, as needed, as they review cases and engage and notify victims in delayed CODIS-hit cases.
 - b. The state-level team provides representation that is not available at the local level and, together with the local site team, participates in case review and engages and notifies victims in delayed CODIS-hit cases. For example, if the local site team does not have access to a system-based victim advocate, one will be made available by the state-level team to supplement the local site team.
4. Contact Information for State-Level Team:

Megan Roberts – SAKI Site Coordinator
Kansas Bureau of Investigation
Tel: 785-296-7135
Fax: 785-296-0915
Email: megan.roberts@kbi.state.ks.us

IV. Victim Notification Protocol for Delayed CODIS-Hit Cases with Suspect Identification

Prior to bringing a case before the Victim Notification Review Team, the law enforcement agency and county or district attorney should work together to review the case for comprehensiveness, with a focus on the offender.

When necessary, investigative follow-up should be conducted. When contact with a victim is deemed appropriate for any reason, the following steps should be taken:

⁸ SAKI grant funding and the associated state-level multidisciplinary working group are expected through September 2019. However, subject matter experts will continue to be available to local agencies upon request.

A. Formulate a Notification Plan

1. The Victim Notification Review Team will meet to review basic information about the case, taking into consideration the unique circumstances of each case. They will work together to formulate a plan for trauma-informed notification.
2. A confidentiality agreement must be signed by all team members prior to discussing each case.⁹

B. Locate the Victim

1. If the Victim Notification Review Team decides that victim re-contact is appropriate, law enforcement personnel will begin trying to locate the victim. This can be done by the local law enforcement agency or, if resources are unavailable at the local level, the Kansas Bureau of Investigation will assemble a packet of information that will be provided to the law enforcement agency to assist in locating the victim.
2. Once law enforcement has a probable location for the victim, they will proceed to First Contact.

C. First Contact

1. The First Contact with a victim is the most crucial and sets the tone for continued participation on the part of the victim.
2. The First Contact should be conducted by a law enforcement investigator and system-based advocate.¹⁰
 - a. Consideration should be given to assigning an investigator other than someone who was involved in the original report or investigation.¹¹
3. The goals of the First Contact are to be brief and supportive.
4. Investigators should be prepared to:
 - a. Make an apology about the case delay,
 - b. Provide a brief case update, and
 - c. Ask the victim for a follow-up in-person meeting.
5. The system-based advocate should be present to ensure care for the victim if the victim is distressed and/or in need of immediate care and resources. Having the system-based advocate present during First Contact facilitates a trauma-informed approach.
6. If the victim wants additional information immediately during the First Contact, the investigator should follow the victim's lead and let the victim choose when and how to receive the information.

⁹ See Appendix C: *Sample Confidentiality Agreement for Victim Notification Review Teams* for an example of a confidentiality agreement for local teams.

¹⁰ A system-based advocate is available through the State-Level Team for local agencies that do not have a system-based advocate in their jurisdiction. See *Contact Information for State-Level Team* to access this resource.

¹¹ In some cases, there may have been a good relationship established between the victim and investigator during the original report or investigation. In those cases, it may be appropriate to assign the same investigator.

7. The ideal form of initial communication is telephone.¹² The priority in type of communication is as follows:
 - a. Telephone Contact
 - i. The investigator will initiate the phone conversation by first verifying they have identified/located the correct person.
 - ii. The investigator will let the victim know that a system-based advocate is also on the call. The system-based advocate may or may not speak in the initial phone call, but be present in case the investigator and system-based advocate identify the victim is in crisis.
 - iii. If the correct victim has been identified, the investigator will then introduce him/herself and ask the victim if they remember making a report to the police (e.g. “Do you remember making a report to the Mayberry Police Department in 2010?”) rather than announcing they are calling about a reported sexual assault.
 - iv. The investigator will tell the victim that new information has been discovered in his/her case, and allow for a response from the victim.
 - v. The investigator will ask to schedule a Second Contact (a time to meet in-person) to provide specific information about the case.
 - vi. The investigator should notify the victim that a system-based advocate will be present at the Second Contact to offer support. Taking into consideration the needs and wishes of the victim, an appointment will be scheduled with the victim, investigator, and system-based advocate.
 - b. In-person Visit
 - i. If contact via telephone is not possible and the victim has a local address, the investigator and system-based advocate should make an in-person visit to the victim’s residence and follow the same protocol for the first contact by telephone.
 - ii. To ensure victim’s privacy, which is of utmost importance to the majority of victims, it is recommended the investigator and system-based advocate are dressed in a non-identifying manner and arrive in an un-marked vehicle.
 - c. Alternate Contact
 - i. If telephone or in-person communication with the victim is not possible, searching for contact information of a person close to the victim is the next best option.

¹² Busch-Armendariz, N. et al (2015). How to Notify Victims about Sexual Assault Kit Evidence: Insight and Recommendations from Victims and Professionals, *Report to the Houston Sexual Assault Kit Action Research Working Group*, 11-13

- ii. An alternate contact would be someone mentioned in the original case so it is known that the individual knew about the sexual assault.
 - iii. When speaking with the secondary person, the investigator should attempt to collect the victim's updated contact information *without providing information about the victim's case*. If the secondary person will not provide the victim's current contact information, the investigator should ask that their contact information be passed along to the victim to discuss an incident from XXXX [year] that they may have information about or have been witness to (vague to protect privacy).
- d. Coordinating with Another Jurisdiction
- i. If the victim lives outside the local area and has been unable to be reached by telephone, coordinating with a law enforcement agency in the victim's current jurisdiction is an option.
 - ii. Check to see if the agency has a special victims unit or cold case unit, as these officers are more likely to have received specialized training.
 - iii. Similar to contacting a secondary person, the officer from a different jurisdiction should *not* provide the new case-related information but rather request that the victim contact the primary investigator in the jurisdiction of record.

D. Second Contact – In-person Meeting

1. The Second Contact should be conducted by a law enforcement investigator and a system-based advocate. A community-based advocate should also be onsite so that after the meeting with law enforcement, the victim can be connected to advocacy services in their community.
 - a. If possible, the investigator and system-based advocate should prepare ahead of time and attempt to schedule the Second Contact within 48-72 hours¹³ of First Contact; however, the investigator and system-based advocate should be amenable to scheduling earlier or beyond this timeframe to accommodate the victim.
2. The goals of this meeting are to be supportive and follow the victim's lead, provide more detailed information about the case and evidence, review options, and connect the victim to the community-based advocate and services.
3. The investigator and system-based advocate should meet the victim in-person, at a location that feels safe to the victim.
 - a. It is important to follow the victim's lead in establishing a meeting location. If the victim does not wish to or is unable to come to the law enforcement agency,

¹³ Research suggests that connecting victims to resources and support is a critical part of safety and stabilization following a traumatic experience. Therefore, it is recommended that the *Second Contact* in-person meeting occur as soon as possible to reduce potential triggers and re-traumatization that the victim may experience as a result of being notified.

then the county or district attorney's office, community-based advocacy organization, or victim's residence may serve as suitable alternatives.

4. The investigator should come to this meeting prepared to answer questions and offer an apology.
 - a. The investigator should explain that they have additional information on the case that may allow the criminal justice system to proceed with an investigation and/or the filing of criminal charges.
 - b. The investigator should then explain the results of the SAK testing and allow time for the victim to respond and share reactions and concerns.
 - c. The investigator should offer an apology for the delay in testing and assure the victim that the department/system has made changes in the way they are addressing sexual assault cases.
5. Recognize the victim will likely have questions, so investigators should be prepared to discuss issues related to the statewide accumulation of untested SAKs.
 - a. Information and talking points have been provided in the Kansas SAKI brochure, which was developed by the state-level multidisciplinary working group.¹⁴
6. After the victim has had time to understand and digest the information and ask questions, the investigator should ask the victim if they desire to continue the investigation and participate in the process.
 - a. Victim participation should not be emphasized as something that must be decided in the moment. If the victim needs time to talk with someone else (family member, friend, advocate, religious leader, or therapist) they should be able to do so.
7. At the conclusion of the meeting, the system-based advocate should provide the victim with a comprehensive packet of community resources and explain the different roles of the system-based advocate and community-based advocate.¹⁵
 - a. This information and resources shall be provided to all victims, regardless of whether or not they wish to continue with the investigation
 - b. Discussion of the different roles of the system- and community-based advocate will include a review of limitations and parameters regarding the confidentiality of information the victim shares with the system-based and community-based advocate.
 - c. The system-based advocate will support connecting the victim with community-based advocacy services as soon as possible.

¹⁴ See Appendix D: *Kansas SAKI Brochure*. This resource can also be found on the KBI SAKI website under Additional Resources: <http://www.kansas.gov/kbi/saki.shtml>

¹⁵ In an effort to ensure the victim understands the different roles of the system-based advocate and community-based advocate, the victim should be provided the "Understanding Advocate Roles" handout as part of the packet of community resources. See Appendix E: *Understanding Advocate Roles*.

- d. The victim should be offered an opportunity to meet privately with the community-based advocate in a confidential setting.
- e. If the victim chooses to meet with the community-based advocate, the community-based advocate should discuss emotions, re-traumatization, self-care, and provide resources and ongoing services to the victim.
- f. If for any reason the victim and community-based advocate do not meet during this contact, or if the introduction of the community-based advocate during this secondary contact would be counterproductive to the victim's acceptance of community-based advocacy services, then the system-based advocate will provide the victim with contact information for the local community-based advocacy program and will follow-up with the victim by phone within 48 hours.

E. Continued Support

1. The victim shall be treated with respect and compassion at each and every contact throughout this process.
2. At each step of the Victim Notification Protocol, investigators and both system- and community-based advocates should remain flexible and modify strategies as needed to be responsive to the specific needs and wishes of each victim.¹⁶
3. The investigator should try to ensure the community-based advocate is available to either join them at a specific location or to be "on call" for the victim after the Second Contact meeting.
4. The community-based advocate shall offer their continued services and connect the victim with available resources regardless of whether or not the victim wants to participate in the criminal justice process.
5. The investigator or system-based advocate should make routine follow-up contacts with the victim once the case has been re-opened.
6. If the victim decides to no longer participate in the investigation, the system-based advocate can follow-up with the victim one more time.

F. Other Possible Results from SAK Analysis & Victim Notification

1. Other possible results from SAK analysis include:
 - a. Case-to-case CODIS Hit, No Suspect Identified
 - b. DNA positive, CODIS Eligible
 - c. DNA positive, CODIS Ineligible
 - d. DNA negative

¹⁶ For example, if the victim wants more information and a more extended discussion at the first contact, follow the victim's lead.

2. Victim notification in these other possible situations should be handled on a case-by-case basis, as a “one-size-fits-all” approach is not appropriate. Some victims may wish to be contacted in these situations, while others will not.
3. If the local Victim Notification Team decides case review and victim notification are appropriate in cases with other testing outcomes, it is recommended that the protocol for delayed CODIS hit cases with suspect identification be followed.
4. Should a victim in these types of situations contact the local law enforcement agency, county or district attorney’s office, or system-based advocate, it is recommended that the victim be afforded the same type of trauma-informed response as in delayed CODIS-hit cases.

V. Self-Care for Notifiers

- A. It is important to recognize that this work can be challenging and have various impacts on those who notify and work with victims. Remember that physical and mental self-care is critical when responding to crisis and stress.
- B. Maintaining a regular exercise program and developing systems for emotional support are essential components to self-care.¹⁷
- C. Local teams should consider whether there are strategies that can be implemented to support the self-care of its members through peer support, stress management training and/or psychological services.¹⁸

VI. Training

- A. Local agencies are responsible for providing training to carry out this procedure.¹⁹ Personnel should be made aware of this procedure and its contents.
- B. Training considerations and resources can be found in the *Kansas Model Policy for Investigating Sexual Assault*.²⁰

VII. Additional Considerations

- A. It is recommended that, in addition to this procedure, local sites consider reviewing the *Kansas Model Policy for Investigating Sexual Assault* and the *Kansas Model Policy for Sexual Assault Evidence Collection Kit Submission, Retention & Disposal*.²¹

¹⁷ Bergin, E. et al (2014) Maintaining Focus: Life Plans for Success in Law Enforcement and Beyond, Officer Safety Corner, *The Police Chief* 81: 12-13

¹⁸ For example, the Critical Incident Stress Management (CISM) can be an effective method to mitigate the impact of crisis through intervention and stabilization in order to regain control, facilitate understanding of the events and personal response, and encourage self-reliance (Clark, D. and Haley, M. (2007) Crisis Response Tools for Law Enforcement, Officer Safety Corner, *The Police Chief* 74: 8)

¹⁹ Recommended training includes *Safety, Accountability, Justice: Enhancing Coordinated Responses to Sexual Assault Cases within Multidisciplinary Teams* and can be found through the Kansas Coalition against Sexual and Domestic Violence training website: <http://www.kcsdv.org/train.html>

²⁰ *Kansas Model Policy for Investigating Sexual Assault* can be found on the KBI SAKI website: <http://www.kansas.gov/kbi/saki.shtml>

Appendix

Appendix A: Sample Ground Rules for Victim Notification Review Teams

Sample Ground Rules for Victim Notification Review Teams

Adapted from The NIJ Detroit Sexual Assault Kit (SAK) Action Research Project (ARP), "Victim Notification Retreat Planning Guide," page 9.

1. *Treat others with equity*; while titles and positions cannot truly be "left at the door," everyone's voices can be heard and opinions respected.
2. *Everyone's participation is needed* to accomplish the goals of the Victim Notification Review Team; be present and engaged for all sessions.
3. *Listen as an ally*; create a safe space for the sharing of varied opinions.
4. *Listen carefully* to each other's contributions; avoid thinking about how to express your own response or concern while someone else is sharing.
5. *Only one person speaks at a time*; do not interrupt one-another and avoid "side-bar" discussions.
6. *Honor time limits*; share relevant information with the group, but spend just as much time thinking and reflecting on what others are saying.
7. *Agree on what important words and ideas mean*; seek clarification when you do not understand another's point or terminology.
8. *Say 'and,' not 'but'*; add to others comments and ideas by using 'and' rather than 'but', a word that tends to dismiss others' ideas.
9. *Disagree respectfully*; it is acceptable to challenge and question other people's ideas, but do so respectfully and politely.
10. *Chase elephants, not rabbits*; focus on making decisions about the large topics at hand and challenge the group if it seems to be getting off-course.
11. *Discuss the un-discussable issues*; speak courageously about the issues that are important to you and your stakeholder community.

²¹ Kansas model policies can be found on the KBI SAKI website: <http://www.kansas.gov/kbi/saki.shtml>

Appendix B: Checklist for SAKI Notification Review

CHECKLIST FOR SAKI NOTIFICATION REVIEW

DATE _____

CASE NUMBER _____

REVIEWER _____

OFFICER/DETECTIVE _____

NOTE: This checklist is to be used to make certain each of these topics is considered. Any given answer does not automatically determine if notification should/should not occur.

Section I. Impact of Notification

1. Is the victim a family member, former family member, partner, or former partner of offender?
 - a. Do the victim and offender currently live together?
 - b. Do the victim and offender have children together?
 - i. Are any of the children under age 18?
 1. Are there any court orders regarding custody or visitation?
 2. Does the offender have any legally required contact with the children?
2. Is there reason to believe the victim will be at increased risk of harm by offender or others if she/he is provided notification due to other factors?
 - a. Victim has been stalked/threatened by offender after the crime?
 - b. Media is preparing to release information that would impact victim safety?
 - c. Offender was recently released from jail/prison?
 - d. Offender related criminal history?
 - i. Domestic Violence
 - ii. Sexual Assault
 - iii. Stalking
 - iv. Other person crimes? (burglary, kidnapping, assault, battery, etc.)
 - e. Drug/alcohol issues present?
 - i. Offender
 - ii. Victim
 - f. Gang-related involvement?
 - i. Offender
 - ii. Victim
 - g. Physical health issues?
 - h. Accessibility considerations?
 - i. Cultural considerations?
 - j. Level of dependence on offender?

3. Is there reason to believe the victim will be at increased risk of mental health concerns or self-harm if she/he is provided notification?
 - a. Recent known psychiatric hospitalizations?
 - b. Prior suicide attempts?
4. What could be done to provide further protection for the victim when notification occurs to reduce risk?
5. What could be done to reduce risk long term, after notification?

Section II. Other Case Considerations

1. Elements of crime under state law?
2. Timeliness of suspect's interview/interrogation?
3. Thorough evidence collection and processing?
4. Crime scene/victim photos?
5. Physical evidence processed/returned?
6. Detailed/thorough reports?
7. Victim's statements quoted properly?
8. Any indication the victim was not initially believed?
 - a. Victim's credibility questioned?
 - b. Threatened/charged with false reporting?
9. Documentation of non-consent evidence?
10. Victim level of intoxication?
11. Suspect level of intoxication?
12. Witnesses?
13. Prior offenses?
14. Prior victims that can testify?
15. Prior determinations about the case?
16. Any misconduct in handling of the case?

Appendix C: Sample Confidentiality Agreement for Victim Notification Review Teams

Sample Confidentiality Agreement for Victim Notification Review Teams

Adapted from *Confidentiality Agreement for Participants in the 400 Project*, Report of the 400 Project, Appendix B.

I have agreed to participate in a pilot site Victim Notification Review Team as part of The Kansas Sexual Assault Kit Initiative (SAKI). The Kansas SAKI project is working with my community as a pilot site and is testing and analyzing a sample of previously unsubmitted sexual assault kits from my jurisdiction.

I understand that as a member of a pilot site Victim Notification Review Team, I will learn facts of cases, including but not limited to, personally identifying information of victims and offenders, for the purposes of assisting the Victim Notification Review Team in deciding when and how best to notify victims in a trauma-informed manner.

I understand that information I obtain as a member of a pilot site Victim Notification Review Team is considered highly confidential. I agree that I will not disclose any case-specific information or personally identifying information about victims or offenders that I obtain as a member of the Victim Notification Review Team to anyone outside of the Victim Notification Review Team, and to anyone who has not signed this Confidentiality Agreement. I understand that the law enforcement representative or the district or county attorney's office representative may need to share limited information within their departments for the purpose of coordinating or advancing a sexual assault investigation.

I further agree that any notes, records, documents, reports, or any other materials containing case-specific information or personally identifying information about victims or offenders that I obtain as a member of the Victim Notification Review Team will be used, maintained, and stored in a manner that protects them from unauthorized disclosures per this Confidentiality Agreement.

De-identified information and aggregate data may be used for training purposes or in publications pertaining to the Kansas SAKI project pending agreement of the pilot site Victim Notification Review Team members. "De-identified" means that the information, considered individually or in combination with any other information disclosed in the training or publication, is insufficient to allow a recipient of the information to know or deduce the identity of the victim or offender.

This Confidentiality Agreement is in addition to, and does not supersede, any statutory or other legal obligations that may govern my confidentiality obligations to victims or offenders.

Printed Name

Signature

Date

Appendix D: Kansas SAKI Brochure

Important Definitions

Sexual Assault Kit

A package of items used by medical personnel to gather and preserve physical evidence from a person's body following a report of a sexual assault.

Unsubmitted Sexual Assault Kits

Sexual assault kits that are in police custody that have never been submitted to a crime laboratory for testing.

CODIS

The Combined DNA Index System (CODIS) is a system of federal, state and local databases that contain DNA profiles from both known offenders and crime scenes. CODIS is used to generate investigative leads.

CODIS-Hit

When a DNA profile is uploaded into CODIS and finds a matching DNA profile from a separate criminal offense or known offender, it is referred to as a "CODIS-Hit" and can be used as an investigative lead by law enforcement.

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Kansas Sexual Assault Kit Initiative Member Agencies

- ▶ Kansas Bureau of Investigation
- ▶ Kansas Office of the Attorney General
- ▶ Kansas County and District Attorneys Association
- ▶ Kansas Sheriffs' Association
- ▶ Kansas Association of Chiefs of Police
- ▶ Kansas Chapter of International Association of Forensic Nurses
- ▶ Kansas Coalition Against Sexual and Domestic Violence
- ▶ Johnson County Sheriff's Office Criminalistics Laboratory
- ▶ Sedgwick County Regional Forensic Science Center

"The KBI is committed to serving the Kansas criminal justice community and survivors of sexual assault. With the help of our partners involved in sexual assault response, our work will make a difference in the lives of victims and ultimately help remove dangerous predators from our streets. By critically evaluating how we have responded to sexual assault, we will identify and implement improvements."

- KBI Director Kirk Thompson

THE

KANSAS



SAKI

SEXUAL ASSAULT KIT INITIATIVE

Kansas SAKI Project

This project is a proactive, objective evaluation of the issue of previously unsubmitted sexual assault kits in the State of Kansas. The Kansas Bureau of Investigation (KBI) has surveyed the state's law enforcement community to determine how many of these kits exist in Kansas. Additionally, they have set in motion a plan to test them. It is important to all involved in the project that victims of sexual assault receive appropriate services. In September 2015, the KBI was selected as one of twenty recipients nationwide of the National Sexual Assault Kit Initiative (SAKI) Grant and received \$2,000,000 from the Bureau of Justice Assistance. This money will be used to analyze previously unsubmitted sexual assault kits, enhance victim services and support, and develop recommendations to help prevent future accumulation of this valuable forensic evidence.

Goals & Objectives

- ▶ Reduce victimization
- ▶ Encourage reporting of sexual assault
- ▶ Enhance victim services/support
- ▶ Fully utilize available science and technology to prevent crime and prosecute offenders
- ▶ Identify and prosecute serial offenders
- ▶ Eliminate factors contributing to the accumulation of sexual assault kits
- ▶ Develop evidence-based best practice recommendations and model policy guidance to address the statewide inventory and prevent future accumulation of unsubmitted sexual assault kits
- ▶ Improve the quality and quantity of relevant trainings available throughout the state for sexual assault cases to law enforcement and prosecution

Kansas Response

The KBI has initiated a voluntary survey of local law enforcement agencies to identify the number of unsubmitted sexual assault kits they possess. Testing of these kits is underway. With help of their partners, the KBI hopes to:

- ▶ Identify underlying factors that have contributed to the accumulation;
- ▶ Develop a plan to test the previously unsubmitted sexual assault kits throughout the state; and
- ▶ Develop recommendations to help prevent similar accumulation of unsubmitted sexual assault kits in the future.

As these cases are being tested, the DNA evidence within some sexual assault kits may result in a CODIS-Hit which helps to identify the suspect. In these instances, local law enforcement agencies and prosecutors will work together with victim advocacy services to develop a follow-up action plan. This may include contacting victims from assaults that occurred several years ago in order to conduct new investigations and/or file charges against a suspect. The Kansas SAKI project has developed a victim notification procedure to ensure this process is completed with focus on victims' needs and wishes while aiming to minimize potential re-traumatization.

This SAKI project has led to the testing of your sexual assault kit.

Frequently Asked Questions

Why haven't some sexual assault kits been submitted?

Sexual assault kits are not submitted for a variety of reasons, and policies regarding submission vary between jurisdictions. The accumulation of unsubmitted sexual assault kits may be a result of inadequate criminal justice resources, a lack of advanced training, or a need to understand the importance of testing sexual assault kits to identify serial offenders and link cases together.

Why is my sexual assault kit getting tested now?

The KBI recognized the importance of proactively and objectively evaluating the issue of previously unsubmitted sexual assault kits in our state. Research and case experience supports the value of collecting and testing sexual assault evidence. Advances in science and technology can be leveraged to the benefit of these investigations more today than ever before. Cases may be linked and serial offenders identified, which may prevent subsequent assaults. For further information regarding your case, we encourage you to talk with the investigator and/or attorney working your case.

What is being done to prevent accumulation of sexual assault kits in the future?

To evaluate and address an issue that has evolved over time is a very complex process and it continues to be a work in progress. The KBI will continue working with their partners to evaluate current practices, identify where change is needed, and develop a path forward. This is a systemic approach that will take time while they continue to be mindful of the immediate and ongoing needs the criminal justice community has for forensic laboratory services in the State of Kansas.

Appendix E: Understanding Advocacy Roles



System-Based Advocates

Provide support for the victim initially, and throughout the criminal justice process. This includes:

- Assist with initial contact
- Provide ongoing supportive services and information
- Assist the victim in understanding the court processes
- Provide notification of court hearings
- Serve as a liaison between victim and criminal justice personnel
- Explore victim needs and makes appropriate referrals
- Connect victim to community-based resources

Community-Based Advocates

Provide confidential, free, voluntary advocacy and safety services to victims of sexual violence. This includes:

- 24-Hour Crisis Hotline
- Crisis Intervention
- Personal Advocacy
- Medical Advocacy
- Court Advocacy
- Law Enforcement Advocacy
- Emergency Accommodations
- Shelter
- Supportive Counseling
- Support Groups
- Child/Youth Advocacy
- Community Awareness and Education

What are the differences between advocacy roles?

System-based advocates (SBA) provide victim notification, support, information, and connection to community-based resources. They are a critical conduit between the victim and the criminal justice system, and share necessary information.

Community-based advocates (CBA) provide the victim with a variety of advocacy services they often need to process their experience effectively. Information the victim shares with a CBA cannot be disclosed to anyone outside the organization unless the CBA is required to disclose the information by law, or the victim signs a release allowing them to disclose the information. The CBA can provide the victim with more information about confidentiality.

To connect with the sexual assault or domestic violence community-based advocacy organization nearest you, contact the Kansas Crisis Hotline at: 1-888-END-ABUSE (1-888-363-2287)